

LAW REPORT.

SUPREME COURT.—MONDAY, NOVEMBER 22.
FOURTH TERM.
In Banco.—(Before their Honors Mr. Justice FAUCI and Sir WILLIAM MANNING, and Mr. Justice WINDYBEE.)
EX PARTE M. JOHN HUGH.
On the motion of Sir George Innes, an order absolute in this matter, made by his Honor Sir William Manning at first term, was confirmed with costs.
WANT V. BENNETT.
On the motion of Mr. Davis, the Court was asked to affirm an order, granting leave to the defendant to appeal to the Privy Council, made out of term by his Honor Justice Hargrave.
Sir George Innes opposed as far as the order granting leave to appeal was concerned.
The motion was adjourned till next Thursday.
—P. HARGRAVE.

On the motion of Sir George Innes, the Court granted writ nisi for a writ of attachment to issue against Breerton for disobedience of a rule of Court in not paying certain sum of costs.

IN RE JOHN SPARKES.

On the motion of Mr. Justice Stirling, the Court fixed a Friday for the applicant to show cause why a writ of attachment, which had been enforced, and under which applicant was present in custody of the sheriff, should be set aside. The writ of attachment had been issued in contempt of a rule of Court in not paying costs.

EX PARTE DAVENPORT AND ANOTHER.

HUMPHREY DAVENPORT AND ANOTHER.

This motion for leave to appeal to the Privy Council directed to be placed first in the list to-morrow (Tuesday).

WAKLEY V. LACKY.

This matter was argued last term, before two judges, and judgment reserved.

Chief Justice announced that the matter, a demurrer should be reargued, and for that purpose directed it be placed in the list for argument on the first demurrer day.

EX PARTE SMITH.—IN RE SMITH V. WILSON.

On the motion of Mr. C. B. Stephen the Court confirmed an order nisi for a mandamus made by his Honor William Manning, on the 22d inst.

LINDSEY V. GOURLAY.

The arguments of these cross motions for rules nisi directed to be placed in the list for argument to-morrow.

LARNACH V. PETERSSEN.

This was a Supreme Court issue tried at the Metropolitan District Court, and resulted in a verdict for the plaintiff.

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M'MULLEN V. M'KAY.
This was an action tried at Wagga Wagga before Honor Mr. Justice Faucett and a jury for the amount of dishonoured promissory note for £1000. A verdict was given for the plaintiff, Mr. W. C. Stephen now moved to have the verdict set aside on the ground that the plaintiff had caused the verdict should not be set aside and a nonsuit entered or for a new trial on the point reserved at the trial—the plaintiff should have been nonsuited, and that the trial was against evidence.

BLACKBURN V. FLEWELLE.
This was an action as tried at Wagga Wagga before Honor Mr. Justice Faucett. A formal verdict entered for the defendant, with leave reserved to the plaintiff to move on certain grounds as to the construction of Lands Acts. Mr. G. M. Stephen now moved in accordance

The Court granted a rule on the grounds asked.

HARKNESS AND WIFE V. SKOWDEN.

This was an action for damages for injuries received by the female plaintiff from a horse ridden by the defendant before his Honor Mr. Justice Winsdayer. After plaintiff's case was closed his Honor granted a nonsuit, the ground that no negligence had been proved; it was reserved.

Mr. Darley, Q.C., now moved, in accordance with leave, and a rule nisi for a new trial was granted.

SANDAMAN V. WATSON.

BERNARD V. THE ORIENTAL BANK.

These motions stood over till to-morrow (Tuesday).

M'NANARA V. RUSH.

In this case, heard last week, his Honor Mr. Justice Fauvoet announced that, after considering the matter

had decided to grant a certificate for costs.

VICE ADMIRALTY COURT.
(Before his Honor Mr. Justice WINDYBTER, Deputy Judge Commissioner.)

THE PORT JACKSON STEAM SHIP COMPANY V. LLEWELLYN

The hearing of this suit against the captain of the Byron for damages for a collision between the Byron and the Bredalbane, steam-tug, was part heard when the Court rose at 5.45. The evidence will be continued 9.20 Wednesday morning.

INSOLVENCY COURT.—MONDAY.
(Before the CHIEF COMMISSIONER.)

In the matter of the Morning Star Gold-mining Company, his Honor made an order for call of 4s per share.

In the matter of Andrew McCauley, an examiner of Mr. B. J. B. prepared for creditors, and examined Dennis Ambrose Foley, who deposed that he and the insolvent took a lease of Stephen Court; Bartholomew F. was a party to the lease; witness' part of the lease money unchanged; he had an agreement in writing with the insolvent regarding the lease; the insolvent was to have the building, and paid according to the agreement; witness some of the workmen at the beginning for a few weeks gave no orders to the workmen; McCauley was to make profit; the arrangement was that the building was to be a cash and carry concern; the insolvent was to be paid as the work was done; insolvent failed to meet payment witness insisted that there should be no credit, and insolvent mortgaged his interest for £1,000 to Bartholomew F.

In the matter of Ernest Perivol Dawborn, an examination setting was postponed for a week, on account of non-attendance of Ernest.

In the matter of Alfred Harris, an examination met. Insolvent was examined by Mr. S. C. Brown on behalf of the official assignee, and deposed that he had kept Victoria Café about two years and a half when he became insolvent, owing for the mortgage of the premises to the

about May 1, 1936, from Mr. M'Quade; the rent was \$25 a year, payable monthly; he had \$500 free of debt at a time he began business, the greater portion which he spent in the opening of the café; the \$500 was not his own, but he had obtained it from a friend who had contracted since he opened the café, he had no other property when he filed his schedule than what was mentioned in it; he personally valued the property in part B of his schedule at \$1,000; he was not a very successful business man; he had always been short of money; he first felt his difficulties when he was on the 27th of October, from Mr. Stubbart; he then gave a cheque payable on the 3rd November for the amount was £73; all his bills due on the 4th November to the amount of between £200 and £300, were honoured; he issued circulars on the 5th day of a meeting on the 11th of November, he was first arrested by Mr. Stubbart on the 27th October, he knew he could not

the bills coming due on the 4th November without accommodation; his creditors at the meeting requested his resignation; outside of the meeting they told him that there was no chance of his getting a bill of sale, and that he must resign a few days afterwards, and he did not acquiesce until the 13th November; he thought it was after the second meeting of his creditors that Mr. Spencer Avas a bill of sale holder, took possession of his effects; he gave a bill of sale on the 14th November; he was then indebted to all his creditors; at that time; he was then indebted to all his scheduled creditors; he had £100 in the bank; his liabilities were £1890; he did not know that he was insolvent till he got a loan, £600, from Mr. Ashlin, on the 23rd of October, at the rate of 60 per cent. per annum; he did not know that he was insolvent till he got a bill of sale; he paid off a bill of sale to Mr. David Barnett, for £500; he was not a registered bill of sale; he gave Mr. Barnett

bill of sale on or about March 10, 1878; then Mr. Barnett gave him £900; he paid that amount in two cheques to the bank; he had no other money at that time; he was nearly broke; he had been drinking heavily since the 1st of July, 1878; he paid that amount into the City Bank; his first transaction with Barnett was the bill of sale of October 1878; he got £100, and he paid that off by payment of £5 a week before he gave the bill of sale; the bill of sale might have been given in 1876; he saw Barney Barnett in the City Bank; he paid £150, and paid that off at £7.10 per week; that was paid off before he gave the bill of sale; he borrowed £40 from Barnett besides the money included in the bill of sale; all the transactions with Barnett were for money loaned; he never gave Barnett cash; he always paid him back; he did not think he ever gave the other £100 he got from Ashlin to his brother; he thought it was his own money; he told Alexander, who was a week over age; his son had come from New Zealand; he gave him the £100 because

owed it to him before he went into the case; a fortnight later he was told that the business was a failure, and to take the stock at a valuation; he gave the stock back to his landlord; Mr. Quade said he had forced him to do so for non-payment of rent; for the £300 Barnett lent him he paid £50; during the time Ashlin's man was in possession his name was over the door; he was carrying on the business for a year or more, but he knew that he had lost the business; he had heard it said that it was chased for him; he had bet on a race horse; he could not tell within £50 what money he had lost or won on bets; he had lost and won money at hazards; he could not tell how much he had lost or won; he had given £100 for payment until he asked him for the last; David Barnett deposed to lending the insolvent sum of £110 and £150, without security; the first was paid, £127 10s. of the latter loan; on the 10th March he

ber 3, 1879, he lent insolvent £150 on a further charge insolvent did not pay any of the instalments mentioned the bill of sale, but he paid interest and got renewals of loans; that was by arrangement; insolvent did not ask could not pay them; he said he would pay, but it was not his purpose better to pay the interest and renewals of loans; all his transactions with insolvent were for him; he had been paid. Spencer Ashlin dep.

[illegible]

she was under the influence of liquor last night, and recollection of having seen the prosecutor. Commissioner **John Moore**, charged with having indecently assaulted **Sarah Glover**, was committed for trial at the Quarter sessions.

THE WATER POLICE COURT, yesterday morning, was held by **Magistrate William Fowler**, assisted by **Sheriff W. C. Brown**, **T. Brown**, **Gray**, and others. A number of persons were fined for minor offences, and a number of persons were committed to the house of correction for 14 days, for using abusive language; and 40s. or 14 days, for using abusive language.

August Anderson was charged with having committed adultery with **Miss Mary Fowler**, and was committed to the house of correction for 14 days. The prosecutor said that on the 19th of last October he was on board the steamer **Diaper**; he was cook of the ship, and was in the company of the prisoner, who was his wife, and with him alone the dinner, although the

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SYDNEY INTERNATIONAL EXHIBITION.

The attendance at the Garden Palace yesterday was fairly up to the average, and of these visitors the largest proportion found sufficient to engage their attention in the Art Gallery. It has been decided to reduce the price of season tickets to £2 2s, including the cost of case and photograph, and of monthly tickets to 15s, and no doubt the increased facilities these reductions will afford to those now in Sydney who are here mainly to inspect and study the Exhibition (to do which successfully a number of visits is necessary) will be very largely made use of.

It is understood that at a meeting of the Committee on Judging and Awards, held yesterday, the allotment and distribution of judges to each of the participating countries and colonies was arrived at, and a report is to be prepared for the next meeting of the Commission. This movement will have the effect of solving the question of the appointment of judges.

The following was the attendance at the Garden Palace yesterday:—Season ticket holders, 399; general public, 3358; children, 518; exhibitors and others, 870; total, 5186.

THE MUSIC AT THE GARDEN PALACE.

Yesterday the only piano recital was that by Madame Summerhayes on the Brinsford patent piano in front of the orchestra, at 3 p.m.; the programme, by some accident, was a repetition of a performance recently given, and therefore calls for no special remark. In the Belgian Court, at 4 p.m., Madame Langel gave an excellent concert, the programme consisted of Signor Ortoni and Pagnotti.

The lady began with a fantasia on "La Sonnambula," Bellini, arranged by Leybach; she also played "Chanson Hongroise," and "Toccatte" by Dupuy; "Gallop de Concert," De Wolf, and "La Favorite," Henri Herz, request; these numbers were given with the brilliancy and finish which uniformly accompany her performances. Signor Ortoni's first solo was the well known fantasia on "Robert le Diable," Meyerbeer, by Alard. The melody of the great soprano solo "Robert, toi que j'aime," was produced with exquisite feeling. His second solo was "Sielanka Mazurka," by Winiarski, which was given with the brilliancy and finish which uniformly accompany her performances. Signor Ortoni's first solo was the well known fantasia on "Robert le Diable," Meyerbeer, by Alard. The melody of the great soprano solo "Robert, toi que j'aime," was produced with exquisite feeling. His second solo was "Sielanka Mazurka," by Winiarski, which was given with the brilliancy and finish which uniformly accompany her performances.

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LATEST INTELLIGENCE.

(BY ELECTRIC TELEGRAPH.)

OUR SPECIAL TELEGRAM.

(FROM OUR LONDON CORRESPONDENT.)

THE RUSSO-ROUMANIAN DISPUTE.

LONDON, Nov. 20.

The dispute regarding Aramb-Tabia has been settled in favour of Roumania.

THE IRISH AGITATIONS.

LONDON, Nov. 22.

A turbulent meeting was held at the Rotunda, Dublin, yesterday. Thousands were unable to gain admission. Gay presided.

The speeches of Mr. Parnell and others were moderate. After the meeting, the mob drew Parnell's carriage to the hotel. He spoke from the balcony, using stronger language than he did at the Rotunda.

It is intended to indict Devitt, Killen, and Daly for conspiracy.

The Irish agitation was at first confined to Mayo and Sligo, but has lately been spreading.

NEWCASTLE.

MONDAY.

The Hon. Edward Combes, C.M.G., having been appointed receiver under a recent decree in equity, is re Brown v. Dibbs, visited New Lambton colliery to-day, and formally demanded the delivery over of the mine.

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NARRANDERA.

MONDAY.

The foundation stone of a new Roman Catholic Church was laid yesterday by Dr. Birmingham, amidst pomp and ceremony.

A gentleman from Jerilderie intends establishing in Narrandera, immediately, a newspaper to be called the Narrandera Times.

Much sympathy is expressed at the death of constable Bowen.

QUEENSLAND.

BRISBANE, MONDAY.

Messrs. Shepperson and Sam Howard are applying to the Corporation of Brisbane for a lease of a vacant piece of ground at the corner of Adelaide and Albert streets for twenty-one years, for the purpose of building a theatre.

The Westworth, which left Townsville to-day, took 20,296 oz. gold, on freight, from various northern fields.

VICTORIA.

MELBOURNE, MONDAY.

The announcement of the result of the cricket match to-day created great interest.

Very heavy rain fell all day, with thunder and lightning. The weather has now cleared.

A large number of men are now at work on the Flinders-street tramway.

At a meeting of the Old Colonists Association to-day, a satisfactory report was presented. The report showed that of last year by £114. Offers have been accepted from old colonists to erect two cottages on the grounds.

At the annual meeting of the Reform League to-night, Mr. Barry, Sir Bryan O'Loughlin, Major Smith, and Mr. Longmore were present. Mr. Barry spoke at some length on the question of the franchise, and the leading articles of the Reform League, but all the leading articles whatever would not influence the elections. He said that hitherto reform had failed, through leaders deserting their parties; but if it failed now, it would be through his party deserting him.

During a thunderstorm this afternoon, a little boy, ten years of age, named McGuire, who came from school, was struck by lightning and killed. Others who were with him escaped unhurt.

Some men on the Goulburn Valley railway have struck for higher wages.

SOUTH AUSTRALIA.

ADELAIDE, MONDAY.

Mr. John Robb, the contractor, has given £100 to the Adelaide Hospital.

A telegram from Western Australia to-day states that Mr. George Walpole Leake has been sworn in as Acting Chief Justice, vice Burt, deceased.

The cost of the main drainage for the sewer from the Cattle Market to the ocean from £22,000 to £24,000.

Mr. White, of Beedbe, is fitting out a yacht to make a two years' cruise to New Guinea in search of natural history specimens.

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carol, Minister of Public Works; Signor Bonelli, Minister of War.

THE LONDON-COLONIAL WOOL SALES.

LONDON, Nov. 22.

Owing to a dense fog, it was impossible to proceed with the wool sales to-day.

(FROM OUR OWN CORRESPONDENTS.)

PARRAMATTA.

MONDAY.

A special meeting of the Council was held to-day to consider the water report from Mr. Norman Salts. It was resolved that plans and specifications be drawn up by Mr. Salts, for the approval of the Council.

The annual meeting of the Wesleyan Sustentation and Extension Society was held to-night. The Rev. R. Mansfield presided, and the meeting was addressed by Revs. Messrs. Dawson and Wood.

PENRITH.

MONDAY.

William Jordan, a freeman, when coming out of the engine shed on an American engine, was caught by the door and badly crushed. He would have fallen under the wheels only for being caught by William Player as he fell. Two doctors are attending him.

A boy named Larkin has been thrown off a horse, the result being that his arm was broken.

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MARY VILLA, ELIZABETH BAY.
Preliminary Estimation.
To GENTLEMEN with a view of a FIRST-CLASS MARY
RESIDENCE, with HIGHLY IMPROVED BOAT
BOATING, BATHING, and other HARBOUR AD-
TAGES, within a CONVENIENT DISTANCE of the CITY.

HARDIE and GORMAN have received instructions
from JOHN HUBBLEY, Esq., F.R.S., to sell by public
at their New Property Sale Rooms, 114, Pitt-street, at 11
o'clock, on

WEDNESDAY, 3rd DECEMBER,
MARY VILLA.

Further particulars will be duly announced.

In the meantime the AUCTIONEERS INVITE INSPECTORS for which purpose CARDS to view may be obtained at BOOKS.

BUILDING LAND, MOORE PARK.

DOWLING-STREET.—BLOCK OF LAND, having a FRONT

depth of 100 feet to a lane at the rear. This land is situated about 1 1/2 feet North from CHILSEA STREET, and is a very DESIRABLE WILDLIFE SITE, being close to PARK and convenient to the CITY.

HARDIE and GORMAN have received instructions from H. W. JONES, Esq., to sell the above land at 1 o'clock, on **WEDNESDAY, 28 DECEMBER.**

The above described **BUILDING PLOT** at **MOORE PARK**, **NORTH SHORE LAND SALE.**

— ON THE GROUND. —
SATURDAY AFTERNOON, 30th DECEMBER.

HOLD BUILDING PLOTS at the Junction of FLAT ROAD and FRENCH-STREET.

Preliminary estimation.

HARDIE and GORMAN will sell on the Ground SATURDAY AFTERNOON, 4th DECEMBER, at p.m.

Good building sites in the rapidly improving locality. Plan is in course of preparation, and titles will be ready in a few days.

LIVERPOOL ROAD, UPPER BARNSTONS.

**53 ACRES OF GOOD LAND, together with 4-room WEATH-
ERED COTTAGE, STABLE, COMBHOUSE**

HARDIE and GOIRMAN have received instructions from **MR. PATRICK HUNTER**, to sell by public auction on **WEDNESDAY, 10th DECEMBER**, at 11 o'clock, nn

all that block of land, with of the **LANDS**, containing an area of **33 acres more or less**, and having along chains frontage to the **Liverpool**, between the **1st** and **2nd** divisions, together with cottage residence, **1st** division.

This land is nearly all fenced, cleared, and stumped, has been partly under cultivation.

THERE is a **VERY FINE BLUE METAL QUARRY** on the **PROPERTY**.

The land is bounded on the north by **Spencer's ground**.

property.

PERFECT FREEHOLD TITLE.

DAY OF SALE—
WEDNESDAY, 10th DECEMBER.

VALUABLE
and
HIGHLY PRODUCTIVE
VINEYARD,
deviously situated,
furnished with every convenience, and
without exception, one of the most delightful positions for
COMFORTABLE HOMESTEAD
in the

about
TWO MILES FROM MORPETH,
and commanding extensive River Frontage,
at the
HALL OF COMMERCE, SYDNEY,
on TUESDAY, 10th DECEMBER, 1879,
TITLE PERFECT.

BRUNKER and WOLFE have received instruction from Mr. L. Arncliffe to sell by auction, at the Hall of Commerce, Sydney, on TUESDAY, the 10th December, 1879, 25 ACRES OF RICH FERTILE CULTURAL LAND, in a part of which have been planted with grain of the choicest kinds, 2 acres under the best small orchard stocked with fruit trees at the best prices.

The improvements consist of comfortable cottage, central heating, electric 4 rooms, large shed and cellars, with outside lavatory, 10,000 gallons of water pump, main, fitted with power pump, copper's water supply. Large underground tank, 10,000 gallons, 400 cts.

This magnificent and historic, exclusive little property situated at Mount Pleasant, Hants, it commands a beautiful view of the sea, and is only 10 minutes' drive from the 14 chains to the Hants River, undoubtedly one of the most delightful positions in this highly favored locality, and is only about 2 miles from the town of Hants, and 10 from the sea. The improvements are very substantial and reliable, and the property as a whole cannot be surpassed for production and the reliability of the position.

For particulars apply to the preliminary notes at 10, 11 and 12 years, bearing interest at the rate of 7 per cent, and

PRELIMINARY ADVERTISEMENT.

The Grandest
FATTENING PROPERTY
in the
LIVERPOOL PLAINS DISTRICT,
noted for many years
for
PRODUCING STOCK OF UNEXCEPTIONABLE
QUALITY,
surrounded by the well-known
OREEL, MILLIE, GORIAN, RUGLEBONE and KOWAL
STATIONS,
famed throughout Australia for the
RICHNESS OF THEIR PASTURES,
and

of this
MAGNIFICENT PORTION OF FATTENING CATTLE,
the renowned
BURREN STATION,
with a
WELL-BRED HERD
of
3000 (MORE OR LESS) CATTLE,
and all
IMPROVEMENTS.
ON TUESDAY, 16th December, 1879,
at the
EXCHANGE, SYDNEY.

BRUNNER and **WOLFE** have received instructions

at half of 1000 acres, Sydney, on 1 (1861), and (1862) and (1863) at 12 o'clock.

THE FAMOUS BUREEN STATION,
together with
6000 HEAD OF PURE-BRED CATTLE,
bearing the
RENOUNDED BRAND.

Full particulars of this excellent Pastoral Property will appear in a future advertisement. In the meantime the Auctioneer directs the special attention of investors, or persons in search of a highly productive property, to the fact that the "BUREEN" is now in the market, and will be OFFERED FOR SALE on the above date, thus affording an opportunity to secure one of the most richly-grazed and highly productive farming stations in New South Wales.

Auctioneers,
WEST MITTLAND,
and
ST. GEORGE STREET, SYDNEY.
To Saw Mill Proprietors, Capitalists, and others.
In the Insolvent Estate of John McArthur, of Lithgow, New South Wales,
Proprietor:

LALICE SANDERSON has received instructions from Alfred Sanderson, Esq., official assignee of the above estate to offer by sale, on SATURDAY 29TH NOVEMBER, 1876, at 10 A.M. The free of premises now in the occupation of the said JOHN MCARTHUR, consisting of a saw mill, together with the windmill plant, constituting a complete machinery for cutting softwood timber; also, harnesses, shafting, screw jacks, benches, &c.; and such other articles as may be found therein.

The saw mill is still in full work, and may be inspected at any time.

Lots of assets may be seen on application to Mr. Andrew C. Smith, auctioneer, at Lithgow; or to the official assignee, Temple Court, Liverpool.

IMPORTANT TO CAPITALISTS, LAND SPECULATORS AND OTHERS

Requiring well situated building sites.

For Particulars, see—

C. F. SMITH has received instructions from the Trustees, under the deed of settlement executed by late C. F. Smith, Esq., to sell by auction, at the
SCHOOL OF ARTS,
Wolverhampton.

[illegible]

The property has been judiciously laid out, the allotment is from half-an-acre to one acre each. The terms liberal, viz. 10% cash; remainder at 4 months, bearing interest at 7 per cent.

Title—Grant from Crown.

Lithograph Plans can be obtained on application to the undersigner, or at the newspaper office, Wellington.

.../au/nla.news-page14

SEND FOR PRICE LIST AND SAVE MONEY

[illegible]

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